

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SEAN RODNEY ORTH,

Petitioner,

Case No. 3:15-cv-00207-MMD-VPC

v.

WARDEN, HDSP, et al.,

Respondents.

ORDER

Before the Court is the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the judgment of conviction of the Second Judicial District Court, Case No. CR05-1459. Petitioner is challenging the same judgment in *Orth v. Warden*, Case No. 3:15-cv-00131-MMD-VPC. The current action is redundant, and the Court will dismiss it in favor of the earlier commenced action.

Reasonable jurists would not find the Court's conclusion to be debatable or wrong, and the court will not issue a certificate of appealability.

It is therefore ordered that this action is dismissed without prejudice. The Clerk of the Court shall enter judgment accordingly and close this action.

It is further ordered that a certificate of appealability is denied.

DATED THIS 2nd day of November 2015.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE